

June 20, 2016

FOR IMMEDIATE RELEASE

Summary of June 2-3, 2016, Board Meeting

The following is a summary of the June 2-3, 2016, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 154 cases.

New Investigative Cases: The Board reviewed 60 new investigative cases.

Combined Statement of Charges and Settlement Agreement: If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreement contains the Board's allegations and the disciplinary sanctions.

The Board approved 3 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices family medicine in Storm Lake, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 3, 2016. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in Storm Lake. Under the terms of the June 3, 2016, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved medical record keeping course. The Board also prohibited him from prescribing, administering or dispensing controlled substances for the treatment of chronic pain. The Board also placed him on probation for a period of five years subject to Board monitoring, including audits of his controlled substance prescribing.

2. An Iowa-licensed physician who formerly practiced pediatrics in Davenport, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 3, 2016. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he engaged in sexual misconduct. The Board alleged that the physician engaged in sexual relations with the mother of one of his pediatric patients between October and December 2012 and with a co-worker who was also the mother of one of his pediatric patients between September 2014 and October 2015. The physician voluntarily and successfully completed a comprehensive sexual misconduct evaluation and residential treatment at a Board-approved evaluation program and the program is supportive of him continuing to practice medicine with appropriate restrictions. Under the terms of the June 2, 2016, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also placed him on probation for a period of five years subject to Board monitoring.
3. An Iowa-licensed physician who formerly practiced oncology and hematology in Iowa City and Mt. Pleasant, Iowa, and currently practices in Sioux City, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 3, 2016. The Board charged The physician with violating the laws and rules governing the practice of medicine in Iowa when she maintained pre-signed prescriptions which were intended to be completed and issued by another healthcare provider at an oncology and hematology outreach clinic in Mt. Pleasant. Under the terms of the June 3, 2016, combined Statement of Charges and Settlement Agreement, the Board issued The physician a Citation and Warning and ordered her to pay a \$2,500 civil penalty and complete a Board-approved professional ethics program.

Stipulated Order: The Board may enter into a Stipulated Order with a physician when appropriate.

The Board approved 1 Stipulated Order: Agreement Not to Practice Medicine.

1. An Iowa-licensed physician who formerly practiced general medicine in Moline, Illinois, and Chariton, Iowa, entered into a Stipulated Order: Agreement Not to Practice Medicine with the Board on June 3, 2016. On January 30, 2014, the Illinois Division of Professional Regulation (Illinois Board) disciplined The physician for prescribing multiple controlled substances to a patient in Moline, Illinois, between 2008 and 2011, without properly assessing and/or monitoring the patient for drug abuse or dependence; providing Phentermine, a weight loss drug, to members of his office staff without establishing an appropriate physician-patient relationship; and failing to produce medical records subpoenaed by the Illinois Board during its investigation. The Illinois Board suspended the physician's Illinois medical license for a period of thirty (30) days and he agreed to place his Illinois medical license and Illinois controlled substance license on permanent inactive status. The Illinois Board also ordered him to pay a \$3,000 fine.

On February 6, 2015, the Iowa Board filed a Statement of Charges against the physician for being disciplined by the Illinois Board. A hearing was held on March 28, 2015. On June 25, 2015, the Board issued a Findings of Fact, Conclusions of Law, Decision and Order. The Board determined that the physician had a license to practice medicine disciplined by the licensing authority of another state in violation of Iowa law. The Board also expressed serious concerns that the physician failed to report the Illinois disciplinary action on the renewal applications for his Iowa medical license on May 30, 2014, and his Iowa Controlled Substances Registration on January 22, 2014. The Board also expressed serious concerns about his prescribing practices, office practices and

medical record keeping practices. The Board also had serious concerns about his professional judgment, professionalism and honesty and his lack of candor during the hearing. Under the terms of the June 25, 2015, Findings of Fact, Conclusions of Law, Decision and Order, the Board indefinitely suspended The physician's Iowa medical license and stayed the suspension pending successful completion of a mental health evaluation within 60 days, a comprehensive clinical competency evaluation within 90 days and a professional ethics program within 120 days. The Board also issued him a Citation and Warning and ordered him to pay a \$3,000 civil penalty. The Board also prohibited him from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and placed him on probation for a period of five (5) years subject to Board monitoring, including audits of his controlled substance prescribing.

On January 7, 2016, the physician filed a Motion to Stay Deadlines asking the Iowa Board to stay enforcement of the deadlines established in the June 25, 2015 Order. The physician indicated that he has attempted to meet the requirements of the Order but his ability to do so has been compromised by recent serious health issues. The physician indicated that he is not practicing medicine in Iowa or any other state. Under the terms of the June 3, 2016 Stipulated Order: Agreement Not to Practice Medicine, the Board agreed to stay enforcement of the deadlines established in the June 25, 2015 Order, and in return, the physician agreed that he shall not engage in any aspect of the practice of medicine until he has fully complied with the provisions established in the June 25, 2015 Order.

Termination Order: The Board issues Termination Orders when a physician successfully completes the requirements of a disciplinary order or the term of probation.

The Board approved 1 Termination Order.

1. An Iowa-licensed physician who formerly practiced obstetrics and gynecology in Waverly and Waterloo, Iowa, and currently practices in International Falls, Minnesota, had the terms and conditions placed on her Iowa medical license terminated by the Board on June 3, 2016. On February 9, 2012, the Board charged the physician with failing to provide appropriate treatment to multiple patients in Waverly, Iowa, between 2007 and 2009. On October 5, 2012, the physician entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued the physician a Citation and Warning and ordered her to pay a \$2,500 civil penalty. The Board also placed the physician on probation for a period of five years subject to certain terms and conditions, including a Board-approved practice monitoring program. On December 5, 2014, the Board issued an Amended Order terminating the Board-approved practice monitoring program. On June 3, 2016, the Board issued a Termination Order and the terms and conditions placed on the physician's Iowa medical license are terminated and her Iowa medical license is returned to its full privileges, free and clear of all restrictions.

Confidential Evaluation Order: If the Board receives evidence that a physician may suffer from a physical, neurological or mental health condition, or substance abuse, or has engaged in unprofessional conduct, disruptive behavior or sexual misconduct, the Board may issue a confidential evaluation order requiring the physician to complete an evaluation at a Board-approved evaluation program. Additionally, if the Board receives evidence that a physician lacks the ability to practice medicine with reasonable skill and safety, the Board may issue a confidential evaluation order requiring the physician to complete a clinical competency evaluation at a Board-approved evaluation program.

The Board approved 1 Confidential Evaluation Order due to the following concerns:

1. Concerns that a physician may suffer from a physical, neuropsychological or mental health condition which contributed to unprofessional conduct and inappropriate medical care and may impair the physician's ability to practice medicine with reasonable skill and safety.

Board Appearance: The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

The Board held 3 appearances due to the following concerns:

1. Concerns about a physician's professional conduct and communication with patients and other healthcare providers.
2. Concerns that a physician may suffer from a physical, neuropsychological or mental health condition which contributed to unprofessional conduct and inappropriate medical care and may impair the physician's ability to practice medicine with reasonable skill and safety.
3. Concerns that a physician has engaged in a pattern of unprofessional and disruptive conduct.

Iowa Physician Health Program (IPHP) Referral: The Board reviews cases when the IPHP refers a participant to the Board due to concerns about noncompliance and/or a violation of the terms of an IPHP health contract. The Board may refer the participant back to the IPHP for further monitoring and assistance or initiate an investigation of the participant's noncompliance.

The Board reviewed 1 IPHP referral due to the following concerns:

1. Concerns that an IPHP participant failed to fully comply with the requirements established by the IPHP. The Board referred the participant back to the IPHP for further monitoring and assistance.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action against a licensee the Board may send a confidential, non-disciplinary, letter to the licensee expressing concerns and requesting that the licensee take corrective action, including further education.

The Board voted to issue 7 confidential Letters of Warning or Education for the following areas of concern:

1. Concerns about a physician's professional conduct and communication with patients and other healthcare providers.
2. Concerns about a physician's diagnosis and treatment of a patient who experienced a significant obstetric complication.
3. Concerns that a physician failed to timely respond to the Board's audit of the physician's completion of the required continuing medical education credits for Iowa licensure.
4. Concerns that a physician prescribed antibiotics to a co-worker's grandchildren without performing appropriate examinations and without maintaining medical records.
5. Concerns about a physician's diagnosis and treatment of a patient with hyperthyroidism.
6. Concerns about a physician's diagnosis and treatment of a patient with delirium.
7. Concerns that a physician failed to complete a death certificate in a timely manner.

Monitoring Committee: The Monitoring Committee monitors licensees who are subject to a Board disciplinary order and require monitoring.

The Monitoring Committee reviewed 7 physicians who are being monitored by the Board and held 1 physician appearance.

Screening Committee: The Screening Committee reviews complaints and mandatory reports that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 31 cases.

Unlicensed Practice of Medicine: The Board may review cases where it is alleged that an individual has practiced medicine in Iowa without a valid medical license or held themselves out as a physician in Iowa in violation of the laws and rules governing the practice of medicine.

The Board received a complaint which alleged that an individual held themselves out as an Iowa-licensed physician. The Board concluded that the individual is not an Iowa-licensed physician and does not pose a threat to the public and the Board closed the matter without action.

Licensure Committee: The Licensure Committee reviews applications for licensure, renewal and reinstatement and licensure policies and issues. Most applications are approved by Board staff, but potentially problematic applications are reviewed by the committee, which determines whether a license should be issued, renewed or reinstated.

Action:

- The committee reviewed 12 medical licensure applications. Five permanent licenses were issued and three temporary licenses were issued. Four applications were left open to obtain further information or allow the applicant to withdraw.
- The committee recommended the Board approve a request for waiver of Iowa Administrative Code 653-9.3(1)c which states that applicants who are required to have 24 months of postgraduate training must have training that is continuous, progressive, in not more than two specialties, and in not more than two programs approved by the Board. The Board approved the committee's recommendation to waive the requirement because the applicant had completed three years of postgraduate training at the University of Iowa Hospitals and Clinics, where the first and third years were accredited. The applicant will be participating in an additional fellowship at the University of Iowa Hospitals and Clinics beginning July 1, 2016.
- The committee approved letters of warnings to 37 applicants who failed to provide truthful, accurate or complete information on their applications for Iowa medical licensure.
- The committee reviewed numerous applications for a permanent Iowa medical licensure after licensure staff determined that the applicants submitted their applications to the Board knowing that the applications were not signed in the presence of a Notary Public. The Board noted that signing the application in the presence of a Notary Public is essential for the Board to verify the identity of the applicant and the integrity of the application. All of the applicants withdrew their applications for Iowa medical licensure after the Board raised concerns about the invalid notarizations.

In other action the Board:

- Approved the FY2017 expense budget of \$4,443,147, which is up from \$4,374,225 in FY2016. The budget is based on anticipated licensure fees to be collected in FY2017 (July 1, 2016, through June 30, 2017) and includes roll-over funds from the current fiscal year. The Board does not anticipate a licensure fee increase in FY2017. The Board has not increased licensure fees since FY2007 and it reduced several fees in FY2014.
- Approved the FY2017 regulatory plan for possible rulemaking by June 30, 2017. The plan identifies issues and topics to fulfill any requirement imposed by new laws, complement changes resulting from administrative and judicial decisions, and update or rescind rules that are outdated. The FY2017 plan is available on the Board's website, www.medicalboard.iowa.gov
- Approved a notice of intended action to amend 653 Iowa Administrative Code Chapter 13 to rescind rules related to standards of practice for medical abortion. The Iowa Supreme Court, in opinion No. 14-1415, issued June 19, 2015, determined the rules to be unconstitutional. The rulemaking has been filed for publication in the Iowa Administrative Bulletin on July 7, and a public hearing on the action will be held at 11:30 a.m. Tuesday, July 26, at the Board's office.
- Approved a notice of intended action to amend 653 Iowa Administrative Code Chapter 25 to update the description of the composition of a board panel that hears contested case proceeding. The change will make an outdated subrule consistent with the enabling law, Iowa Code section 148. 148.7(4). The rulemaking has been filed for publication in the Iowa Administrative Bulletin on July 7, and a public hearing on the action will be held at 12:00 p.m. Tuesday, July 26, at the Board's office.
- Received a report from the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 56 participants and 13 in the review process on May 31.
- Received reports from the Iowa Attorney General's Office on five disciplinary cases under judicial review.
- Received brief reports from two ad hoc subcommittees established to review these issues: prohibition of sexual orientation change efforts by physicians, as proposed in a petition submitted to the Board earlier this year, and the writing of administrative rules with the Iowa Board of Psychology to implement a new law that allows qualified psychologist to prescribe psychotropic medications. The subcommittees, appointed by Diane Clark, Board chair, are in the early stages of getting organized. Their public meeting schedules will be announced later.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on June 8, 2016. If you have questions about this summary or the Board's press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.